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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,393	09/28/2000	Klaus-Peter Maass	60,130-899	8273

26096 7590 07/27/2005

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER	
REDMAN, JERRY E	

ART UNIT	PAPER NUMBER
3634	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/672,393	MASS ET AL.	
	Examiner	Art Unit	
	Jerry Redman	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10,11,14-21,23 and 25-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10,11,14-21,23 and 25-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The status of the claims is as follows:

Claims 1-9, 12, 13, 22, and 24 have been cancelled; and

Claims 10, 11, 14-21, 23, and 25-29 are herein addressed below.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claims 10, 11, 14-21, 23, 25, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 9, the phraseology "free edge" is not readily understood by the Examiner. Specifically, what is meant by "free edge". The Examiner cannot find support for this limitation in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 10, 11, 23, and 25-28 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Szerdahelyi et al. Szerdahelyi et al. disclose a motor vehicle door comprising: an interior sheet metal (1b and 3), an exterior sheeting (1a), a hollow interior space formed between (best seen in figure 1f) between the exterior sheeting

(1a) and the interior sheet metal (1b), an opening (3a or 3b) in the interior sheet metal (1b and 3), a carrier module (5 and/or 6) that closes the opening (3a and/or 3b) and carriers at least one function part (a handle and lock assembly) of said motor vehicle door, the carrier module (5 and/or 6) including a base plate (50 and/or 60) which closes the opening (3a and/or 3b) of the interior sheet metal (1b and 3) from a side of the hollow interior space of the vehicle door, and an access opening (10) sized large enough to allow entry of the carrier module (5 and/or 6) into the interior space of the door. Szerdahelyi et al. further disclose the exterior sheeting (1a) further including a carrier frame (the edge portions of the door as well as the upper guide/carrier portion for the window pane). Szerdahelyi et al. further disclose the interior space of the door is provided in the interior sheet metal (1b and 3) is closed by a closing plate (1'b, column 5, lines 22-23, i.e., the trim panel having openings for module (5 and/or 6).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-21, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szerdahelyi et al. in view of Carlo et al. All of the elements of the instant invention are discussed in detail above except providing the carrier module with two guide rails for a cable assembly and a brace. Carlo et al. disclose a carrier module having two guide rails (7) in a cable assembly and a brace. It would have been obvious to one of ordinary

skill in the art at the time of the invention to provide the module of Szerdahelyi et al. with two guide rails in a cable assembly and a brace as taught by Carlo et al. since multiple link drives and cable drives are art equivalent and both perform equally as well to drive a window closure. It would have been further obvious to one of ordinary skill in the art at the time of the invention to provide the module of Szerdahelyi et al. with a brace as taught by Carlo et al. since a brace provides rigidity to the module.

The applicant's arguments have been considered but are not deemed persuasive. The applicant argues that Szerdahelyi et al. disclose an access opening centrally located and not along a "free edge". The phraseology "free edge" is broadly recited since the applicant fails to specifically state exactly the dimensions of the opening as well as exact dimensions of the location with respect to the "free edge". The applicant mentions the opening and edge in the specification but the Examiner cannot find support for the phraseology "free edge". With respect to the 35 U.S.C. 103 rejection, the applicant states the it would not be obvious to provide these features in Szerdahelyi et al. yet the statement from the board of appeals states that the combination is reasonable (Decision on appeal, page 4, last paragraph).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.

Jerry Redman
Primary Examiner